

Message Text

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ACTION ARA-14

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FM AMEMBASSY ASUNCION

TO SECSTATE WASHDC IMMEDIATE 3560

C O N F I D E N T I A L ASUNCION 2963

E.O. 11652: GDS

TAGS: SHUM, PINT, PA

SUBJECT: DOMINGO LAINO CASE: LEGAL REPRESENTATION

REF: STATE 183946

1. THE FOLLWING INFORMATION IS PROVIDED IN RESPONSE TO PARAGRAPH 5
REFTEL.

2. LAINO IS REPRESENTED BY TWO LAWYERS, MIGUEL ABDON SAGUIER
AND JUAN MANUEL BENITEZ FLORENTIN. BOTH REPRESENTED LAINO
DURING HIS 1975 DECLARATION IN THE FEBRERISTA CASE. THEY ARE
LAINO'S FRIENDS AND POLITICAL ASSOCIATES. THE LAWYERS NOW HAVE
FREE ACCESS TO LAINO.

3. IT APPEARS LAINO MAY BE TRIED UNDER ARTICLE 5 OF LAW 209 WHICH
COVERS ILLICIT ASSOCIATION. IF SO THE PENALTY PRESCRIBED BY LAW
IS FROM THREE TO A MAXIMUM OF SIX YEARS IN THE PENITENTIARY.
IN THE FEBRERISTA CASE THOSE SENTENCED RECEIVED THREE YEARS
IMPRISONMENT. THERE IS ALSO THE POLICE CHARGE THAT HE ILLEGALLY
LEFT THE COUNTRY WHILE JUDICIAL PROCEEDINGS WERE PENDING AGAINST
HIM. WE HAVE BEEN UNABLE TO DETERMINE WHETHER OR NOT THIS IS
CONSIDERED ACTIONABLE AND, IF SO, UNDER WHAT LAW. IT DOES NOT
COME UNDER LAW 209.

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4. THERE IS NO PROVISION FOR THE DEATH PENALTY UNDER LAW 209.
A "FIRING SQUAD" CAN ONLY BE USED IN CASES SUBJECT TO A MILITARY
TRIBUNAL. THE DEATH PENALTY EXISTS, BUT IS SELDOM USED AND
THEN ONLY IN HOMICIDE CASES.
WHITE

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